

**CITY OF WOBURN
JUNE 5, 2007 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Gately
Denaro	Galvin
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$12,065.00 be and is hereby transferred as so stated from Treasurer Postage Mailing Fees Acct #0113852-539003 \$12,065.00 to Treasurer Tax Title Foreclosure Acct #0113857-576010 \$12,065.00.

I hereby approve the above: s/Thomas L. McLaughlin, Mayor
I have reviewed the above: s/Gerald W. Surette, City Auditor
I recommend the above: s/Donald N. Jensen, Treasurer

s/Alderman _____

ORDERED That the sum of \$22,000.00 be and is hereby appropriated from Cemetery Interest Fund and distributed as follows for Fiscal Year 2008: \$5,000.00 to Utility Acct. 0149052-521103, \$5,000.00 to New Equipment 0149058-586600, \$2,000.00 to Office Supplies 0149054-542000, \$5,000.00 to Equip/Bldg Maint 0149054-543000, \$5,000.00 to Tools/Supplies Acct 0149054-546100.

I hereby approve the above: s/Edmund McGrath, Chairperson
I hereby recommend the above: s/Thomas L. McLaughlin, Mayor
I have reviewed the above: s/Gerald W. Surette, Auditor

s/Alderman _____

ORDERED That the sum of \$14,000.00 be and is hereby transferred as so stated from Fire/Regular Salary Acct #0122051-511000 \$14,000.00 to Fire/Holiday Pay Acct #0122051-514500 \$4,000.00, Fire/Overtime Acct #0122051-513100 \$10,000.00.

I hereby recommend that above: s/Paul Tortolano, Chief, Fire Department
I have reviewed the above: s/John Danizio, Deputy City Auditor
I hereby approve the above: s/Thomas L. McLaughlin, Mayor

s/Alderman _____

ORDERED That the sum of \$25,000.00 be and is hereby transferred as so stated from BLS Redceipts Acct #31359-595000 \$25,000.00 to Ambulance Maintenance Acct #0122054-544300 \$25,000.00.

I hereby recommend that above: s/Paul Tortolano, Chief, Fire Department
I have reviewed the above: s/John Danizio, Deputy City Auditor
I hereby approve the above: s/Thomas L. McLaughlin, Mayor

s/Alderman _____

ORDERED That the sum of \$134,000.00 be and is hereby transferred as so stated from DPW Sewer Outlays Acct #64158-585229 \$46,288.00, DPW Sewer MWRA User Charges Acct #64152-523002 \$87,712.00 to DPW Sewer/Electric Acct #64152-521100 \$14,000.00, DOW Water/Electric Acct #64252-521100 \$120,000.00, Total \$134,000.00.

I hereby approve the above. s/Thomas L. McLaughlin, Mayor
I have reviewed the above. s/John Danizio, Deputy City Auditor
I recommend the above. s/Frederick Russell, DPW Superintendent

s/Alderman _____

ORDERED That the sum of \$222,500.00 be and is hereby transferred as so stated from Free Cash Acct #01-356000 \$222,500.00 to DPW Traffic/Electric Acct #0141952-521100 \$10,000.00, DPW Buildings/Utilities Acct #0143552-521501 \$20,000.00, DPW City Hall/Gas Acct #0141352-521300 \$12,000.00, DPW Swithcboard Acct #0142952-534102 \$4,000.00, DPW Water/Oil & Gas Acct #64252-521300 \$1,500.00, DPW Street Lighting Acct #142052-521104 \$175,000.00, Total \$222,500.00.

I hereby approve the above. s/Thomas L. McLaughlin, Mayor
I have reviewed the above. s/John Danizio, Deputy City Auditor

I recommend the above. s/Frederick Russell, DPW Superintendent

s/Alderman _____

A communication dated May 31, 2007 was received from Mayor Thomas L. McLaughlin as follows:

Senior Center Conference Room to be Dedicated to Joanne Collins – Saturday, June 23 - 1:00 – 3:00 pm

Dear President Doherty and Members of the City Council:

You are cordially invited to attend an Open House and Dedication Ceremony in honor of Joanne Collins on Saturday, June 23rd, from 1:00-3:00 p.m., at the Senior Center.

A ribbon-cutting will take place at 1:00 pm for the refurbished conference room at the Senior Center, followed by the dedication ceremony. The new conference room is being dedicated to Joanne Collins, Executive Director, and will be named in her honor.

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated May 31, 2007 with attachments was received from Mayor Thomas L. McLaughlin as follows:

Subject: Council Resolve for Subordination Easement for the June 5, 2007, City Council Meeting

Attached is a Subordination Agreement regarding an easement the City has to place and maintain traffic signals on a portion of property at 112 Commerce Way, located in the Indsutri-plex Superfund Site, and which property National Development is seeking to purchase. The subordination is required by the EPA and DEP, and the agreement is approved as to form by Kopelman & Paige.

City Solicitor Mark Reich noted that the subordination would render the easement subject to the requirements of the Grant of Environmental Restriction and Easement (see attached draft), and that the intent of the subordination is to allow for the imposition of institutional controls at the Superfund Site by the EPA as part of the site remediation, and that these controls are a critical part of the remediation process.

The City Council must authorize, by majority vote, the Mayor to execute the Subordination Agreement. A draft resolution prepared by Attorney Everett at Kopelman & Paige is attached for your consideration.

Because the City's original acceptance of the easement was never recorded at the Registry of Deeds, the draft resolve also authorizes the Mayor to accept the easement by signing and recording an Acceptance form. Attorney Everett will record the Acceptance at the Registry of Deeds.

I request that you consider and pass this resolution at your next meeting on June 5, 2007.

If you have any questions, please don't hesitate to contact me. Thank you.

RESOLVED Be It Resolved that the City Council of the City of Woburn hereby authorizes the Mayor or his designated representative to accept, on behalf of the City, an easement for the purposes of placing and maintaining traffic control signals and devices on a portion of property located at 112 Commerce Way, Woburn, which easement is recorded with Middlesex South District Registry of Deeds in Book 31864, Page 151, and further authorizes the Mayor to execute a Subordination Agreement, subordinating said easement to the restrictions placed on said property for the benefit of the Massachusetts Department of Environmental Protection and the United States Environmental Protection Agency, and to execute any and all documents and take all related actions necessary or appropriate to carry out the foregoing, or take any other action relative thereto.

s/Alderman _____

PUBLIC HEARINGS:

On the petition by Boston Onnuri Church, 73 Pine Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57a of the 1989 Woburn Zoning Ordinances, as amended, to allow temporary storage at 73 Pine Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "That the recommendations of the Planning Board be adopted."

On the petition by Philip Marshall, Trustee Marshal Family Trust, 71 Pine Street, Woburn, Massachusetts 01801 for a special permit to allow parking of storage containers at 71 Pine Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "That the recommendations of the Planning Board be adopted."

On the petition by Michael R. Tyminski, 14 Otis Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1989 Woburn Zoning Ordinances, as amended, to allow earth removal or filling at 14 Otis Street. PUBLIC HEARING OPENED. A communication dated June 4, 2007 was received from Attorney Mark

Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 was received as follows:

Re: 14 Otis Street

Dear Mr. Campbell and Council Members,

Request is made to continue this matter until June 19, 2007 and to have it on the agenda for a committee meeting on June 18, 2007. This request is made in order to allow the engineer to make changes as recommended by Woburn Engineering and to allow for a Planning Board recommendation. Be advised that I have informed the neighbors who had attended the prior meeting of this request.

Thank you for your cooperation and please call with any questions.

Very truly yours, s/Mark J. Salvati

A report was received from the Committee on Special Permits as follows: "That the public hearing be continued to a City Council Regular Meeting of no earlier than July 17, 2007 and that the matter remain in committee for further review."

On the petition by Andrew Mitrano and Nancy Mitrano, individually and as Trustees of 25 Naples Avenue Realty Trust, 269 Edgewater Drive, West, East Falmouth, Massachusetts 02536 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to convert the existing dwelling to a two-family dwelling at 25 Naples Avenue. PUBLIC HEARING OPENED. A communication dated May 30, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Andrew & Nancy Mitrano – 25 Naples Avenue – To convert the existing legally non-conforming dwelling to a two-family dwelling

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on May 22, 2007, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to convert the existing legally non-conforming dwelling at 25 Naples Avenue to a two-family dwelling subject to the condition that the petitioner provide 4 parking spaces on site in accordance with Section 8 of the Woburn Zoning Ordinance.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

On the petition by Anthony Cierri, 1 North Maple Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended to allow for the accessory storage and parking of five (5) commercial vehicles on the property at 1 North Maple Street. PUBLIC HEARING OPENED. A communication dated May 21, 2007 was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Re: 1 North Maple Street Accessory Storage & Parking 5 Commercial Vehicles on Site – Special Permit – Special Permit Application Dated April 30, 2007

This office has reviewed the special permit application for the above referenced location and offers the following comments.

The submitted site plan shows the site with the existing building and 32 parking spaces. There appears to be sufficient room for the parking of commercial spaces and accessory storage.

This office takes no exception to the special permit application as submitted.

If you or the board have any questions concerning this information, do not hesitate to contact this office.

On the petition by Anthony J. Cierri, 1 North Maple Street, Woburn, Massachusetts 01801 to amend the Zoning Map of the City of Woburn by changing the zoning district for a parcel of land located at 1 North Maple Street with Assessors Map Reference Map 09, Block 05, Lot 01 containing approximately 1.31 acres of land at 1 North Maple Street as shown on the plan filed in the Office of the City Clerk with the petition from the O-P zoning district to the I-P zoning district. PUBLIC HEARING OPENED.

On the petition by Anchor Body Corp., 3 Breed Avenue, Woburn, Massachusetts 01801 for two special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 5.1.45 to allow for the sale of five (5) used motor vehicles and 2. Pursuant to Section 8.3.2 to allow for off-site parking of twenty (20) vehicles and for a Second Class Motor Vehicle Sales License, at 3 Breed Avenue. PUBLIC HEARING OPENED. A communication dated May 21, 2007 was received from Brett F. Gonsalves, Senior Engineer, Engineering Department as follows:

Subject: 3 Breed Avenue Used Car & Offsite Parking Special Permit – Special Permit Application Not Dated

This office has reviewed the special permit application for the above referenced location and offers the following comments.

The site plan shows the locations of the proposed 5 used car parking spaces as well as the 20 leased parking spaces. The area in which the 20 leased spaces is located within the 250 foot wide Boston Edison Right of Way.

The application has an attached lease agreement for the use of the easement for designated purposes. The agreement specifies #1 and 2 are for paving the two areas and parking of vehicles related to the licensee's automobile collision repair and real estate leasing business and area #3 is designated for maintaining the area free of debris, trash, junk and for no other purposes unless specifically authorized by the licensor in writing.

It would appear that the two locations that proposed parking would be located are on separate parcels and separate ownership. It will be the discretion of the board whether to have separate special permit applications for each parking request.

This office takes no exception to the special permit application as submitted.

If you or the board have any questions concerning this information, do not hesitate to contact this office.

A communication dated May 31, 2007 was received from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: Anchor Auto Special Permits – 3 Breed Ave

Dear Mr. Campbell and Council Members:

Request is made for leave to withdraw, without prejudice the petitions by Anchor Auto Body for a special permit allow for the sale of five used motor vehicles and to allow for off-site parking. My client will be re-filing to request the used motor vehicle license but to request the off-site parking at a different location.

Thank you for your cooperation and please call with any questions.

Very truly yours, s/Mark J. Salvati

On the petition by Alderman Gonsalves to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: "By adding a new Section 11.11 as follows: PROPOSED AFFORDABLE HOUSING AMENDMENT 11.11 Affordable Housing Requirement 1. Whenever a request under this section for a Special Permit from the City Council seeks approval for the development of Townhouse, Garden, or Elevator apartments as specified under Sections 5.1.3(a) through 3(d), and Section 5.1.4, under the zoning classification for the subject parcel existing, at the time of the request, the City Council shall require as a condition of any such grant of a permit, the provision on site and within the development of affordable housing units equal to ten (10%) percent of the development's total number of dwelling units. The affordable units to be provided shall

be equivalent in size, quality, and characteristics to the other units within the development, including tenure type, i.e., whether the overall development is intended for rental or homeownership. The distribution of unit sizes and determination of occupancy characteristics shall be made by the City Council at the time of granting the special permits. 2. The units required above shall be affordable to persons and households of low and moderate income, in accordance with the guidelines and regulations of the Massachusetts Local Initiative Program (LIP), administered by the Massachusetts Department of Housing and Community Development (DHCD), or a successor program, as they may be promulgated from time to time. The Applicant shall be responsible for preparing a Massachusetts Local Initiative Program, Units Only Application, under the direction of the Mayor or his designee, for execution and submission by the City of Woburn, and to complete all other work and fulfill all other requirements related thereto, to ensure that the units will be considered subsidized low and moderate income units as defined by MGL Ch.40B, Section 20. 3. The Applicant may, with the approval of and at the sole discretion of the City Council, as a condition of any such grant of a special permit, meet the affordable housing requirements by the provision of off-site units within the same ward at a location or locations owned by, or under option to purchase by the petitioner and identified prior to the granting of and included as a condition of the special permit. Said affordable housing shall be equal to 10% of the requested development's total number of dwelling units, and shall meet the requirements of Paragraph 2, above. 4. The Applicant may, under certain circumstances, and with the approval of and at the sole discretion of the City Council, as a condition of any such grant of a special permit, may substitute a cash payment for the provision of some or all of the low and moderate income housing units required under Section 1, above. Circumstances under which a cash payment may be made include, but are not limited to: 1) the lack of shopping, schools, or other facilities near the proposed location, 2) the lack of access to public transportation, or 3) any other condition which at the sole determination of the City Council renders the site inadequate as a site for affordable housing for the benefit of Woburn residents. Such payment shall be equivalent to the present value of the difference between the affordable rent or price as required under Section 2, above, and the projected market rent or price of the units as of the date the application is submitted. The Applicant shall propose an appropriate method for determining the amount of such payment, which shall be approved by the City Council at its sole discretion. Such payments shall be placed in the Affordable Housing Fund, as specified in Paragraph 5, below. 5. An Affordable Housing Fund shall be established in the City Treasury to receive all payments made under this Section, and shall be kept separate and apart from other monies by the City Treasurer. Any moneys in said fund shall be expended only at the discretion of the City Council, with the approval of the Mayor, to support the creation of low and moderate income housing units which meet the requirements of Section 2, above. All moneys which are collected as a result of any contribution to this fund shall be transferred to the principal of said fund, and the City Treasurer shall be the custodian of the fund and shall deposit the proceeds in a bank or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the Commonwealth of Massachusetts, or in federal savings and loan associates situated in the Commonwealth. Any interest earned thereon shall be credited to and become a part of such fund. Any moneys in the fund shall be expended only by a majority vote of the

entire membership of the City Council, with the approval of the Mayor. The cost of acquiring land or property for future affordable housing development by the City of Woburn or one of its public authorities is an allowed expenditure of funds held in the Affordable Housing Fund. 6. In the event that the requirements of this section impose a severe economic hardship on the Applicant, the City Council, may, at its sole discretion, modify the requirements of this Section. Such hardship must be caused by unusual site conditions which substantially increase the cost of development, including: 1) the need to remediate conditions of environmental contamination, 2) the need to preserve an existing structure of significant historic value, 3) the need to preserve a critical area of open space, or 4) a similar site condition which the City Council determines at its sole discretion substantially increases the cost of development. Such modification shall be limited to a reduction in the number of affordable housing units to be provided under this Section, or acceptance of a cash payment less than the full amount specified in Paragraph 4, above, to be placed in the Affordable Housing Fund. 6. In determining the number of units to be provided in accordance with Paragraph 1, above, a fractional unit of .5 or more shall be regarded as a whole unit. When less than a .5 unit is required, the Application may, at the sole discretion of the City Council, satisfy the requirements of this Section by making a cash payment, as specified in Section 4, above.” PUBLIC HEARING OPENED.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$40,000.00 from DPW Administration Salary and DPW Water Enterprise Salary to DPW Overtime, committee report was received “ought to pass.”

On the Order to transfer the sum of \$20,397.00 from Mayor’s Outlays – Excavator to Mayor’s Outlays – Sidewalk Plow, committee report was received “ought to pass.”

On the Order to appropriate the sum of \$15,000.00 from Cemetery Interest Fund to Cemetery Burial Sections Account for preventive spraying of trees and to Cemetery Overtime for preparations for Memorial Day, committee report was received “ought to pass.”

POLICE AND LICENSE:

On the transfer of the Inflammable License from Lexington St. Realty Trust c/o Shirley Parker to Noel McDermottroe and Lesley McDermottroe at 229 Lexington Street,

commonly known as McDermottroe Getty, committee report was received “ought to pass.”

ORDINANCE:

On the Order to amend Title 8, Article IV, Section 8-8 of the 1989 Woburn Municipal Code, as amended, relative to inflammable licenses, committee report was received “ought to pass.”

On the Order relative to amending Title 2, Article XXXVII, Section 2-177 of the 1989 Woburn Municipal Code, as amended, relative to city-owned vehicles, the committee report was received as follows: “ought to pass with the amendments as follows:

1. By deleting from the first sentence in Paragraph A the words “or simply ‘Woburn’,” and add after the words “and shall include” and before the words “the department” the words the city seal which shall be twelve inches in diameter and orange in color and”.
2. By adding to the first sentence in Paragraph A after the words “and shall include” and before the words “the department to which” the words “the city seal and”.
3. By deleting the second sentence in Paragraph A in its entirety.
4. By inserting in the third sentence after the words “the lettering” and before the words “is to be” the words “shall be orange and”.
5. By deleting the fourth sentence in Paragraph A in its entirety.
6. By deleting the fifth sentence in Paragraph A in its entirety.
7. By deleting the sixth sentence in Paragraph A in its entirety.
8. By deleting the seventh sentence in Paragraph A in its entirety.
9. By deleting Paragraph B in its entirety and inserting in its place the following: “B. All marked police vehicles shall be ordered, lettered and painted the same color scheme as determined by the Chief of Police upon approval of the mayor. All unmarked and undercover police vehicles shall be ordered and painted or repainted as determined by the Chief of Police. Undercover, Unmarked and Surveillance Police vehicles are not required to be lettered. All fire vehicles shall be lettered in accordance with Paragraph A and shall be painted red, or red and white, or black as determined by the Fire Chief upon approval of the mayor. All other vehicles, new vehicles only, shall be painted black and shall be lettered in accordance with Paragraph A.
10. By adding a sixth sentence to Paragraph C as follows: “The mayor may, during an emergency or any other unusual event as the mayor determines, temporarily authorize certain city employees to retain their assigned city vehicles at all times to facilitate their response or recall to the emergency or other unusual event. The mayor will notify the city council in writing, within 24 hours, when he/she exercises this discretion.”
11. By adding a new Paragraph H as follows: “H. At the end of each year, the City Council is to obtain a list of city owned vehicles from each department, including

vehicle identification number, gas, mileage, excluding undercover vehicles which information is kept in the mayor's office."

NEW PETITIONS:

A communication dated May 23, 2007 was received from Attorney Malcolm H. Houck, 7 Winn Street, Woburn, Massachusetts 01801 as follows:

In re: Pho #1 Special Permit – 908 Main Street, Woburn

Dear Mr. Campbell:

I now represent K&T Eatery, Inc. in connection with a transfer and sale of its restaurant business assets, used in the conduct of the business in the firm name and style of PHO #1 at 908 Main Street, to a new operator and purchaser. This restaurant business has the benefit of a Special Permit granted by the City Council on or about January 20, 2004. The conditions of that Special Permit were, by a specific term of the Permit, personal to the then operator and original Petitioner, Ho Van Cao.

Mr. Ho Van Cao transferred his ownership of the Pho #1 restaurant business to K&T Eatery, Inc. thereafter. By Notice of Amendment of Special Permit approved by the City Council on November 1, 2005, the conditions of the Special permit were then made personal to the new corporation principal, Sumon Suwan. No other changes were made to the Special permit conditions by means of this amendment.

It is now necessary, with the pending asset transfer, that this Special Permit again be amended. The new responsible party will be the new owner, Sirayu Tanhmunhong, of 40 Mill Street, Malden, MA 02148.

In all of the above enumerated instances the Pho #1 restaurant business has been continuously in uninterrupted operation since the effective date of the original Special Permit.

For such public proceedings and hearings as are needed and appropriate, kindly place this matter, of Amendment of Special Permit, on the City Council agenda, as available.

All conditions and particulars of the original Special Permit will remain in full force and effect and shall be unchanged.

If you have any questions, please feel free to contact me.

Very truly yours, s/Malcolm H. Houck

Petition by NSTAR Electric Company and Verizon New England Inc. for a grant of right in a way to install one joint occupancy pile and anchor guy (138/132) and to remove one joint occupancy pole on Main Street southerly side at Elm Street.

Petition by Lorraine A. Jenks dba Elements Therapeutic Massage, 12 Tarbox Lane, North Reading, Massachusetts 01864 for a special permit pursuant to Section 5.1.33b of the 1985 Woburn Zoning Ordinances, as amended, to operate and conduct a muscular therapy facility at 446 Main Street.

Petition by Lannan Family LLC, 831 Rogers Street, Lowell, Massachusetts 01852 for a special permit pursuant to Section 5.1 and Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the demolition of the existing building and construction of a proposed showroom parking lot at 56 Winn Street.

Petition by Lannan Chevrolet, Inc. fka Lannan Chevrolet-Olds, Inc., 40 Winn Street and 56 Winn Street to amend First Class Motor Vehicle Sales License to include the property at 40 Winn Street and 56 Winn Street.

Petition by Anthony Cierri, 1 North Maple Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the accessory storage of a trailer on the property at 1 North Maple Street.

Petition by Koffler/GID Woburn LLC, One Providence Washington Plaza, Ninth Floor, Providence, Rhode Island 02903 for a special permit to modify a special permit dated October 9, 2003 pursuant to Section 5.1.23 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a further amended site plan and an additional 2,500 square feet of gross floor area at 300 Mishawum Road.

Petition by Chair 5 Restaurants-Woburn LLC dba Qdoba Mexican Grill, 572 Washington Street, Suite 17A, Wellesley, Massachusetts 02482 for a special permit pursuant to Section 5.1.29 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a fast food restaurant and building signage at 300 Mishwum Road as shown on Plans filed herewith.

Petition by Harout Avakian, owner of 3-5 Carmen Terrace, Woburn, Massachusetts 01801 to amend the 1985 Woburn Zoning Ordinances, as amended, as follows:

ORDERED Be it ordained by the City Council of the City of Woburn that Section 7.1 of the 1985 Woburn Zoning Ordinance, as amended, be further amended by adding a new paragraph to the end of this Section as follows:

A residential structure used as a residence and conforming to the zoning district in which it lies, that is protected by the ten (10) year statute of limitations under Massachusetts General Laws Chapter 40A, Section 7 shall be considered for the purposes of this Section 7.1 a legal non-conforming structure.

COMMUNICATIONS AND REPORTS:

A request by School Committee Member Denis Russell to provide the City Council with a quarterly report on activities of the School Committee.

A communication dated May 23, 2007 with attachments was received from Joanne Collins, Director, Woburn Council on Aging as follows:

Re: Woburn COA proposed amendments to Woburn COA Bylaws

Attached please find 1) original of COA amended Bylaws that have been reviewed and approved by Mayor McLaughlin, 2) a copy of the "original" bylaws with the proposed amendments that the Woburn COA Board has voted to change, and 3) a "copy: of the original Woburn COA Bylaws that were approved February 2002.

On behalf of the Woburn Council on Aging, I request your endorsement of the amended Bylaws. There is a provision on the final page which states, "These bylaws become effective following the approval of the mayor and City Council."

Please review the changes that have been recommended by the Woburn COA Board and feel free to call me with any questions that you may have.

Sincerely, s/Joanne Collins, Director, Woburn Council on Aging

A communication dated May 24, 2007 was received from the Woburn License Commission as follows:

Dear President Doherty:

The License Commission hereby requests that the Woburn City Council petition the General Court to adopt a Home Rule Petition that would permit the city to issue ten (10) additional so-called Section 12 Pouring Licenses.

The city has reached the limit under the present statutes which allow the license commission to issue these licenses. The intent of the commission is to provide additional opportunities for quality restaurants to locate within our community and provide additional service and convenience to the residents. Unless the limit of licenses is increased, the commission will not be permitted to issue any additional pouring licenses.

The commissioners are available to meet with an appropriate subcommittee of the City Council should you require any additional information.

Woburn License Commission - s/William D. Bishop, Chairman; Paul J. Wentworth, Member; Owen J. McCaffrey, Member

A communication dated May 10, 2007 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20A½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending April 2007: number of tickets issued 862, number of tickets paid 760, number of hearings scheduled 412, number of tickets voided or dismissed 58, number of tickets outstanding 251, number of tickets issued by motorcycle officers 0, total dollar amount collected and turned into the Treasurer's Office \$27,615.00. There exists a backlog of 4,912 tickets for 1982 through 2006. Demands will be sent out until all tickets have been cleared. Parking violations turned over to Handicap Commission to date \$4,760.00.

Respectfully submitted, s/Charles L. O'Connor, Parking Clerk City of Woburn

A communication dated May 22, 2007 was received from Attorney Michele E. Randazzo, Kopelman and Paige, P.C., relative to Massachusetts Independent Contractor Law M.G.L. Chapter 149, Section 148B.

A communication was received from State Representative Patrick M. Natale as follows:

Dear Woburn City Council:

I am writing to express that I am against S.B. 1987, the Massachusetts State Franchising Bill. Currently, the Commonwealth's wireline cable television companies constructed and now operate cable television systems under municipal consents that address the specific needs of local communities with specific agreed-upon terms.

The passing of the Massachusetts State Franchising Bill would take away local authorities ability to negotiate their own contracts. I am against this bill, because I want to protect the rights of the Commonwealth's cities and towns.

Recently, the House voted not to reduce State Sewer Rate Relief Fund from \$25 million to \$15 million and passed a budget amendment that allotted \$25 million to the State Sewer Rate Relief Fund. I will do everything I can to ensure that this amount remains in the budget as debates continue.

Sincerely, s/Patrick M. Natale

A copy of the Fuel Transactions report was received from the Woburn Police Department for the period April 1, 2007 to April 30, 2007.

A communication dated May 24, 2007 with attachment was received from John E. Corey, Jr., PE, City Engineer along with an electronic copy of the Natural Hazards Mitigation Plan.

A communication dated May 25, 2007 with attachments was received from Donald J. Borchelt, Executive Director, Woburn Redevelopment Authority along with a copy of the meeting package for the April 24, 2007 and May 25, 2007 meetings of the Woburn Redevelopment Authority.

A communication dated May 7, 2007 was received from Barry LaCroix, Executive Director, Massachusetts Executive Office of Public Safety, Criminal History Systems Board, 200 Arlington Street, Suite 2200, Chelsea, Massachusetts 02150 advising that the Criminal Offender Record Information (CORI) certification for the Committee on Police and Licenses has expired.

A communication dated May 17, 2007 was received from the Walpole, Massachusetts Board of Selectmen requesting the City Council to support legislation “seeking an immediate suspension of that part of the law that allows for unfriendly 40B applications” and to communicate this to the city’s legislative delegation.

A copy of a communication dated May 24, 2007 from the Office of the Massachusetts Attorney General to the Surface Transportation Board concerning the New England Transrail, LLC matter was received.

A copy of a communication date May 4, 2007 from Baker Botts LLP to the Surface Transportation Board concerning the New England Transrail, LLC matter entitled “Response to Post-Hearing Statement of Town of Wilmington” was received.

A copy of a communication dated May 18, 2007 to Mayor Thomas L. McLaughlin from John Harrington requesting that the city repave Cronin Way was received.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated May 30, 2007 was received from Mayor Thomas L. McLaughlin as follows:

Re: Joseph Leary – Zoning Board of Appeals

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Joseph V. Leary of 4 Battle March Way, whose term expires May 31, 2007, as a member of the Board of Appeals for a period of three years.

Mr. Leary's appointment will be effective on the date of confirmation by the City Council, and his three-year term will expire on that date.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Whereas, local receipts are essential in reducing the cities reliance on the property tax levy, and

Whereas, the cities local receipts have been underestimated by an average of \$1,300,000.00 per year since Fiscal Year 2000 (source: Massachusetts Department of Revenue Division of Local Services);

Now, Therefore, In order to realize the benefit of actual local receipts, Be It Ordained by the City Council of the City of Woburn that Title 3, Article I, Section 3-3 of the 1989 Woburn Municipal Code, as amended, by further amended by adding a new Section 3-3(E) as follows:

“E. When preparing the fiscal year tax recapitulation for the Department of Revenue's approval, the city auditor shall include the difference between “estimated” and “actual receipts for the prior fiscal year in

Section III(d) of the recapitulation worksheet labeled “other revenue sources appropriated specifically to reduce the tax rate.””

And further, that the current paragraph 3-3(C) relative to the public hearing on the annual city budget be re-designated as Paragraph 3-3(D).

s/Alderman Galvin

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 10 Lowell Street; and

WHEREAS, the condition of said building or buildings has been allowed to deteriorate and the property is generally not being maintained;

NOW, THEREFORE, BE IT ORDERED be the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation.

s/Alderman Galvin and
Alderman Dwyer

RESOLVED That the Superintendent of Public Works repave Center Street its entire length from curb to curb and repair and replace the sidewalks including granite curbs and concrete.

s/Alderman Dwyer and
Alderman Galvin

RESOLVED That the Mayor in collaboration with the Department of Public Works complete the sidewalk installation for Washington Circle as this cut through portion of the street to Washington Street/Mill Street is plagued with excessive cut through traffic from Washington Street. The lack of sidewalks is creating unsafe pedestrian conditions on this residentially dense, highly traveled area.

s/Alderman Mercer-Bruen

RESOLVED That the Traffic Commission install a “do not block intersection” sign at Ran Drive off of Washington Street. Traffic queuing up northbound has made it difficult for residents to exit.

s/Alderman Mercer-Bruen

RESOLVED That the Traffic Commission consider installing “no all day parking” or “resident only parking” on Hawthorne Street as non-residential parking has become an issue. Commuters using the MBTA service at the corner of Washington Street and Montvale Avenue are parking their vehicles on Hawthorne Street all day. Signs were installed on Utica Street to solve the same problem.

s/Alderman Mercer-Bruen

RESOLVED That the Mayor instruct the Department of Public Works to repaint the four way crosswalks at Grape Street and Albany Streets.

s/Alderman Mercer-Bruen

RESOLVED That the Traffic Commission install “residents only” signs at the top of Washington Circle at the intersection of Pine Street and Central Street and that the bottom of Washington Circle at the intersection of Mill Street and Washington Street, whereas a traffic count study was conducted and found over 7,347 cars traveled through this small cut through street in a five day period.

s/Alderman Mercer-Bruen

RESOLVED That the Traffic Commission review the status of the Winn Street/Kilby Street traffic control signal project at its meeting on June 21, 2007.

s/Alderman Galvin

RESOLVED Whereas, the purpose of the Boy Scouts of America, incorporated on February 8, 1910, and chartered by Congress in 1916, is to provide an educational program for boys and young adults to build character, to train in the responsibilities of participating citizenship, and to develop personal fitness; and

Whereas, for 97 years, the Boy Scouts of America has been teaching values and leadership and preparing young people to make ethical choices over their lifetimes by instilling in them the values of the Scout Oath and Law; and

Whereas, Scout Law provides that Scouts be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent; and

Whereas, the Boy Scouts of America endeavors to develop American citizens who are physically, mentally, and emotionally fit; have a high degree of self-reliance as evidenced in such qualities as initiative, courage, and resourcefulness; have personal values based on religious concepts; have the desire and skills to help others; understand the principles of the American social, economic, and governmental systems; are knowledgeable about and take pride in their American heritage and understand our nation's role in the world; have a keen respect for the basic rights of all people; and are prepared to participate in and give leadership to American society; and

Whereas, to earn the Eagle Scout rank, the highest advancement rank in Scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills; and

Whereas, William Ford has been recognized for fulfilling all the requirements necessary to advance to the rank of Eagle Scout;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that the residents of the City of Woburn extend their warm and proud congratulations to William Ford for his dedicated work and accomplishments in attaining the rank of Eagle Scout and their best wishes for his continued success in his future endeavors.

s/Alderman Drapeau

Motion made and 2nd to ADJOURN.